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THE BIOLOGICAL ASPECTS OF QUARANTINE NO. 37

by

Lee A. Strong, Chief

Bureau of Entomology & Plant Quarantine, U. S. Department of Agriculture

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BUREAU OF ENTOMOLOGY & PLANT QUARANTINE

(At the Annual Dinner of the Pennsylvania Horticultural Society, Philadelphia, Pa., March 26, 1935)

It is particularly pleasing to me to have the privilege of addressing the Pennsylvania Horticultural Society at this time. In view of the horticultural history of the Society and its historical interest in plant quarantine matters, it seems peculiarly fitting at this time to speak to this group since there has recently been announced a change of fundamental importance in Quarantine 37 -- the quarantine which governs the entry into the United States of all nursery stock, plants, and seeds from foreign countries. Quarantine No. 37 was promulgated in 1918 and became effective in 1919 under the terms of the Plant Quarantine Act which was passed by Congress in 1912. Many of the members of this society are fully familiar with the battles leading up to the passage by Congress of the Plant Quarantine Act and also with the skirmishes at least before and after the promulgation of Quarantine 37.

There can be absolutely no question that the motives which prompted the placing of Quarantine 37 were entirely with a view to preventing the entry of plant pests from abroad. In announcing the placing of the quarantine the Federal Horticultural Board said: "Quarantine 37 has but one purpose, namely, to reduce to the utmost the risk of introducing dangerous plant pests with plant importations. It is important that this purpose should not be overlooked in any discussion of the quarantine. It is the basis of all the regulations restricting the entry of foreign plants. Quarantine 37 has no tariff object whatsoever. It was not devised to protect our plant growers from foreign competition."

It was pointed out that during the first seven years of the life of the Plant Quarantine Act reliance was placed upon inspection of plant imports both at origin in foreign countries and upon arrival in this country. "The record however", said the Board, "of the seven years of interceptions of plant pests indicated very clearly that in spite of these safeguards numbers of injurious insects and plant diseases were being brought to the United States every year and with almost every considerable importation of plants."

"As a result of all this long and earnest consideration of the problem, including the testing of all practicable means of disinfecting plants, the experts of the Department of Agriculture and of the several States reached the conclusion that the only possible solution is the policy of practical exclusion of all plant stock not absolutely essential to the horticultural, floricultural, and forestry needs of the United States. That is what Quarantine 37 attempts to do and must do if it is to be of any real service in excluding plant pests. The protection which the country needs and demands can be secured in no other way."

It was further emphasized that Quarantine 37 made provision for the entry of all necessary plants whatsoever; that there was no wish or intention then or at any future time to make it impossible to provide for the entry under proper safeguards of any plant whatsoever for which a real need could be shown, and that ample provision had been made for such importations under Quarantine 37. It was announced that the whole spirit of Quarantine 37 was to as rapidly as possible make this country independent of foreign supplies in the hope that some day we could reach a condition where no entry of foreign plants would be necessary other than to make

adequate introductions of new plants and perhaps, occasionally, old plants which would be needed for the establishment of new propagation enterprises and which were not commercially available here. The Federal Horticultural Board said "It (the quarantine) voices the belief that the policy of practical exclusion of all stock not absolutely essential to the horticultural and floricultural and forestry needs of the United States is the only one that will give adequate protection against additional introductions of dangerous plant diseases and insects." These statements, of course, have always been predicated on the theory that in reducing the volume of plant importations, the risk of importing plant pests is also reduced; and any other interpretation of the statements or the policy they defined was erroneous and unjustified.

However, Quarantine 37 in voicing the belief that it was said to voice manifestly acquired vocal organs not inherited from the Plant Quarantine Act.

When in December, 1922 the Department announced that effective January 1, 1926, narcissus bulbs would be permitted entry only under special permit and in limited quantities, the action was in accord with the announced principles of the quarantine. As used in Quarantine 37 "limited quantities" was understood to mean such quantities as would supply any reasonable need for the establishment of commercial reproduction plantings or as might be necessary for the experimental, educational, or scientific purpose intended. You are of course familiar with the procedure followed in the securing of special permits by amateurs involving

status, etc. When a variety of narcissus or other plant became available in this country in commercial quantities further entry was denied. This was the procedure followed with respect to other classes of plants, and pretty largely still is although it has been quite sometime since any plant has been declared available.

However, analysis would reveal that while narcissus bulbs have been excluded as to certain varieties and permitted entry in limited quantities as to others, hyacinths, tulips, and crocus have been coming in without limit as to number although in some measure at least carrying the same pests carried by narcissus, all these pests, by the way, being pretty widely distributed and established in this country.

Now, how is availability as to any variety determined in order to properly interpret that feature of the quarantine? It is a determination by the Department that there are sufficient plants of a given variety in this country to supply the horticultural needs. Such determination is based in some degree on personal observation and in greater degree upon representations by producers of the plant in question. While I would by no means suggest that there has been any effort to misrepresent quantities available, our own procedure has been conducive to the creating of monopolies in certain varieties of plants; and even in this day of divergent economic views and opinions, the old law of supply and demand still holds to the extent at least that scarcity means higher prices.

So we have been looking over the whole field covered by our quarantines with particular attention being given first to 37. It is my belief that insome cases we have been drawn into a field not contemplated

by the Plant Quarantine Act. We have brought more nearly onto a straight pest basis certain features of the quarantine which has made necessary certain liberalizing in the enforcement of the quarantine. In looking over the bulb situation I became convinced we were on the wrong track in view of the widespread nature of the bulb pests which influenced the placing of the quarantine and the further fact that we had quarantined a bulb and not the pests. Therefore I recommended to the Secretary of Agriculture that the restrictions on narcissus bulbs be changed to permit their unlimited entry; that rightly or wrongly the American producers of narcissus bulbs had been encouraged to^{go} into the production of narcissus to supply a demand to be created by the placing of restrictions in 1926; that while it was not and could not be based on quarantine procedure or pest risk, that simple justice dictated that a reasonable time be afforded for adjustments necessary to meet the conditions created by the unlimited entry of narcissus, and the effective date set is December 15, 1936. The recommendations throughout are mine and I accept full responsibility for them.

There has followed and there is still following the inevitable reaction from certain localities though less vehement and less widespread than would be expected. The reaction is of course perfectly natural and well understood.

Criticism that there has been no hearing and no indication of impending changes is not well founded. There have been several public hearings in the past four years specifically upon the bulb question. In October 1933 a public conference was held to re-examine the underlying

principles of Quarantine 37 and at that time there was consideration of the bulb feature. No one sufficiently interested in quarantine procedure to read the statements issued during the past four years on the quarantine situation by the Department could be surprised at the recent action with respect to bulbs.

It has been consistently pointed out by the Department that the Plant Quarantine Act was passed by Congress and is enforced by the Department for the sole purpose of preventing the entry into this country and the spread within the United States of injurious plant pests. It can not be assumed that it was the intention of Congress that the Plant Quarantine Act should be used for any other purpose and it is not the intention of the Department that it shall be. It must therefore be clear to all that in view of the likelihood of changes in the known status of pests throughout the world, any branch of the plant-growing industry which might be built up entirely on the theory that a certain plant quarantine or plant quarantine regulation would permanently or continuously eliminate competition in the particular class of plants involved, would be a business built upon a very insecure foundation. That there may be temporary advantages of this nature is inevitable, but such advantages are incidental to the fundamental purpose of any plant quarantine and cannot be considered sufficiently stable of themselves to warrant their use as a business foundation. Understanding the purpose of the Plant Quarantine Act and of the regulations promulgated thereunder by the United States Department of Agriculture, one who would build up any industry in the belief that a quarantine would be continued in force only for the reason that it provided freedom from competition in plant products and with the expectation that the underlying

purpose of the Plant Quarantine Act would be so disregarded, would have no legitimate grounds for objection when the Department found it necessary to revise the quarantine regulations to promptly meet changing pest conditions.

As to hearings on the bulb question there was no information not already in possession of the Department and we knew the views of the bulb growers.

I have no thought of criticizing the bulb growers of the United States for their attitude. They have tried in every way to go along with the Department. My conclusion is that the Department has been wrong. When we base a decision as to the eligibility of a plant to enter the United States on its commercial availability in this country or on its horticultural necessity to this country, we are in a field where we don't belong. If plants are known to be dangerous to the country they should not be admitted in any quantity for any purpose. If they are not dangerous the only limit placed should be based on our ability to make proper inspections, and once admitted the plants should go into such usage as the country desires except in those cases where follow-up inspections are deemed necessary.

